

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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THE UNITED STATES OF AMERICA

04-CR-45E

-vs-

JOSEPH CIARDULLO,  
Defendant.

ORDER

The abovenamed individual — “the defendant” — has by his attorney objected to the February 16, 2006 Report, Recommendation and Order of United States Magistrate Judge H. Kenneth Schroeder, Jr. and particularly to Judge Schroeder’s recommendation that the defendant’s motion to suppress the evidence of oral statements made by him to inspectors at the Lewiston Bridge Port of Entry on February 29, 2004 and March 1, 2004 be denied.

For the hereby-adopted reasons set forth in said Report, Recommendation and Order, it is hereby

**ORDERED** that the defendant’s said motion is hereby DENIED and that parties shall appear before this Court on the 19th day of May, 2006 at 1:00 p.m. or as soon thereafter as they may be heard to set a date for trial.

DATED: Buffalo, N.Y.

May 10, 2006

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*/s/ John T. Elfrin*

JOHN T. ELFRIN  
S.U.S.D.J.